

**No. 139**

**for the sitting period 15 — 17 February 2000**

**21 February 2000**

**ORDERS FOR PRODUCTION OF DOCUMENTS**

A response by the Minister representing the Minister for Health and Aged Care, Senator Herron, to the Senate's order for documents relating to the matter of magnetic resonance imaging machines (see Bulletin No. 138, pp 1-2) was tabled on 15 February, having been provided to the President while the Senate was not sitting. The response provided the report of the Health Insurance Commission on the matter. It was indicated that cases of purchases of the machines had been referred to the Director of Public Prosecutions. Some documents required by the Senate's order were said not to exist, and the minister indicated that he required more time to consider other documents to determine whether any claim of public interest immunity should be made in relation to them. This part of the response was attacked in debate. The matter is expected to arise again, depending on the minister's final response.

An order for documents was made on 17 February in relation to international climate change negotiations. The order explicitly excludes cabinet submissions, no doubt in anticipation that a claim of public interest immunity would be made in respect of them. It will be interesting to see whether such a claim is made in relation to any of the other required documents.

**MINISTERS AND PARLIAMENTARY SECRETARIES**

A bill of major constitutional significance, the Ministers of State and Other Legislation Amendment Bill 1999, was debated and passed on 16 and 17 February. Currently parliamentary secretaries are not paid salary because only ministers can be paid salary without being disqualified from membership of the Parliament under section 44 of the Constitution. In order to pay salary to parliamentary secretaries, the bill amends the Ministers of State Act, which prescribes the number of ministers, by providing that parliamentary secretaries are to be appointed as ministers for constitutional purposes, although their titles and duties remain those of parliamentary secretaries. The bill was attacked by Senator

Harradine as a ruse and as a subversion of the Constitution. The government produced an opinion by the Solicitor-General suggesting that the bill will be constitutionally valid, and on this basis, and on agreement by the Opposition with the policy of paying parliamentary secretaries, the bill was allowed to pass. It is just possible that it could be held to be unconstitutional upon a challenge to the qualification of parliamentary secretaries under sections 44 and 46 of the Constitution, but it is unlikely that anybody will mount such a challenge.

#### **OTHER LEGISLATION: BILL REJECTED**

The Australian Capital Territory (Planning and Land Management) Amendment Bill 1999 was rejected outright by the Senate on 16 February. The bill would have allowed leases in the Australian Capital Territory to be for a maximum term of 999 years instead of 99 years. The bill was attacked as an indirect method of subverting the leasehold system for land in the Territory.

Two significant government bills were the subject of successful non-government amendments: the Health Legislation Amendment Bill (No. 3) 1998 on 15 February, the amendments relating to reporting of grants under the bill, and the Australian Federal Police Legislation Amendment Bill 1999 on 16 February, the amendments relating to treatment of information and employment decisions.

The Senate passed on 17 February a private member's bill received from the House of Representatives, the Adelaide Airport Curfew Bill 1999. The bill was taken through the Senate by Senator Chapman, who also successfully moved amendments to the bill, as did Senator O'Brien.

#### **DELEGATED LEGISLATION**

The Senate disallowed on 17 February accounting standards made under the Corporations Law. Although the standards were agreed to by an expert body appointed under the legislation, they were not adopted unanimously by that body, and the non-government parties considered that they should be further reviewed because of disagreement about whether they were sufficiently rigorous.

Also on 17 February the Regulations and Ordinances Committee presented its annual report on delegated legislation reviewed during the year.

## COMMITTEES

The Senate on 17 February referred to the Environment, Communications, Information Technology and the Arts References Committee matters relating to the controversial decision by the Australian Broadcasting Corporation to sell its news material. The reference, which was opposed by the government, was moved by the Opposition and amended on the motion of the Democrats.

The motion for the adoption of a Selection of Bills Committee report was amended on 16 February on the motion of Senator Harradine to extend the time available for report on a particular bill.

The following committee reports were presented during the period:

<b>Date tabled</b>	<b>Committee</b>	<b>Title</b>
15.2	Community Affairs References	Additional Information—Childbirth Procedures
16.2	Scrutiny of Bills	1 <sup>st</sup> Report and Alert Digest No. 1 of 2000
“	Foreign Affairs, Defence and Trade References	Report—Proposed Sale of ADI Limited
“	Legal and Constitutional Legislation	Report—Customs Legislation Amendment (Criminal Sanctions and Other Measures) Bill 1999
17.2	National Competition Policy	Report—Riding the waves of change
“	Regulations and Ordinances	108 <sup>th</sup> Report—Annual Report

## VACANCY

The resignation of Senator Parer was announced on 15 February, with no indication of when the Queensland Parliament might appoint a replacement.

Inquiries: Clerk's Office

☎ (02) 6277 3364

